



Rule Changes and News as of April 8, 1998

This flyer is mailed out several times a year with case-related correspondence to alert you to new developments in Texas Eastern federal court. Downloadable current versions of the local rules and other pertinent documents are available at our Internet site (<http://www.txed.uscourts.gov>).

General Order 97-18 (filed November 3, 1997). The following changes were approved:

- Local Rule CV-4(a) now requires the filing of an original and two copies of the complaint in trademark, copyright and patent cases.
- New Local Rules CV-5(d) and CR-49(e) are identical provisions regarding electronic filing. They state that documents may not be filed electronically with the clerk's office without a judge's permission [note: although there is no electronic filing system currently available in Texas Eastern, we anticipate having a system in place in the future]. Subsection (2) clarifies when an electronic document transmitted by a litigant is deemed to be filed.
- New Local Rules CV-5(e) and CR-49(f) are identical provisions that deal with service and notice of judicial orders by facsimile and/or electronic transmission. Subsection (1) authorizes the clerk to serve and give notice of judicial orders and judgments by facsimile or electronic transmission to any person who requests it in writing [note: the clerk's office anticipates having the ability to provide same-day faxed noticing of judicial orders and judgments to litigants sometime in calendar 1998]. Subsection (2) clarifies when fax noticing by the clerk is deemed to be complete.
- Former Local Rule CV-68 regarding offers of judgment was deleted in light of the September 15, 1998 opinion of the Fifth Circuit in No. 96-40431, *Ashland Chemical, Inc. v. Barco, Inc.*

General Order 97-21 (filed December 23, 1997). The following change was approved:

- New Local Rules CV-10(b) and CR-49(b) are identical provisions that concern deficient pleadings and documents. This provision requires the clerk to monitor pleadings for compliance with rules regarding format and form. If a pleading is perceived to be deficient, counsel will immediately be given notice and reasonable opportunity to cure the defect. If the defect is not timely cured, the clerk will refer the matter to the judge assigned to the case, who will decide whether to allow the pleading "as is."

General Order 98-1 (filed February 13, 1998). The following changes were approved:

- A "Plan for Reimbursement of Attorney Expenses in Civil Cases" was adopted as Appendix I ("I as in Iodine") to the local rules. The Plan provides that attorneys appointed in civil cases may recoup up to \$500 per case in expenses subject to the provisions of the Plan.